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PTO/SB/02A (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number **ABIOS.040A**

First Named Inventor **Mark F. Oldham**

COMPLETE IF KNOWN

Application Number **10/660,460**

Filing Date **September 11, 2003**

Art Unit **2878**

Examiner Name **Unknown**

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMAGE ENHANCEMENT BY SUB-PIXEL IMAGING

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ Was filed on 09/11/03 as United States Application Number 10/660,460.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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DECLARATION - Utility or Design Patent Application

Direct all correspondence to:



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Correspondence address below:

Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

NAME OF SOLE OR FIRST INVENTOR:☐ A petition has been filed for this unsigned inventor.Given Name
(first and middle [if any])

Mark F.

Family Name
Or Surname

Oldham

Inventor's
Signature

Date

2/9/04

Residence: City

Los Gatos

State

CA

Country

USA

Citizenship

USA

Mailing Address

16500 Soda Springs Road

City

Los Gatos

State

CA

Zip

95033

Country

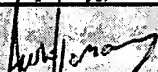
USA

NAME OF SECOND INVENTOR:☐ A petition has been filed for this unsigned inventor.Given Name
(first and middle [if any])

Austin B.

Family Name
Or Surname

Tomaney

Inventor's
Signature

Date

2/9/04

Residence: City

San Francisco

State

CA

Country

USA

Citizenship

UK

Mailing Address

184 States Street

City

San Francisco

State

CA

Zip

94114

Country

USA



Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB02A attached hereto.

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[Page 2 of 2]

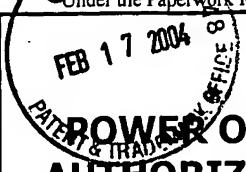
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| | | |
|---|------------------------|--------------------|
|  POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | 10/660,460 |
| | Filing Date | September 11, 2003 |
| | First Named Inventor | Mark F. Oldham |
| | Group Art Unit | 2878 |
| | Examiner Name | Unknown |
| | Attorney Docket Number | ABIOS.040A |

I hereby appoint:

☒ Practitioners at Customer Number

20,995

OR☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

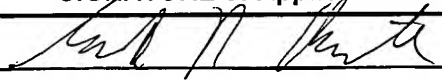
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☒ The above-mentioned Customer Number.**OR**

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| City | | State | | Zip |
| Country | | | | |
| Telephone | | Fax | | |

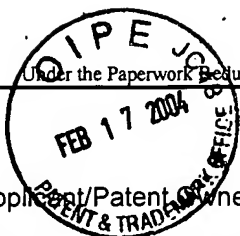
I am the:

☐ Applicant/Inventor.
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (PTO/SB/96)
SIGNATURE of Applicant or Assignee of Record

| | | | |
|-----------|---|------|--------|
| Signature |  | | |
| Name | Scott R. Bortner, Reg. No. 34,298 | Date | 2/9/04 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

☒ * Total of 4 forms are submitted.R:\DOCS\KEP\KEP-2241.DOC:lw
013004

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Mark F. Oldham and Austin Tomaney

Application No./Patent No. 10/660,460, Filed/Issue Date: September 11, 2003

Entitled: IMAGE ENHANCEMENT BY SUB-PIXEL IMAGING

Applera Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

- A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

- [X] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/9/04

Date

Scott R. Bortner, Reg. No. 34,298

Typed or printed name

Signature


Sr. Patent Attorney

Title

R:\DOCS\KEP\KEP-2242.DOC:lw
013004

LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE
REGARDING CERTAIN PATENT AND TRADEMARK MATTERS EFFECTIVE
THROUGH: December 31, 2005

I, Paul D. Grossman, as Assistant Secretary of Applera Corporation ("Applera"), hereby authorize: Vincent M. Powers, Reg. No. 36, 246, Scott R. Bortner, Reg. No. 34,298, Jeffery D. Frazier, Reg. No. 34,601, and Andrew T. Karnakis, Reg. No. 27,909, all Senior Patent Attorneys, (1) to act on behalf of Applera, with regard to any matters before the United States Patent and Trademark Office, any foreign patent or trademark offices, and any international patent or trademark entities, (2) to execute power of attorney documents on behalf of Applera, to appoint and/ or establish any attorneys, agents, and/ or law firms to act on behalf of Applera, in any foreign or international patent or trademark applications filed with any foreign and/ or international patent or trademark offices, and (3) to execute assignment and ownership documents on behalf of Applera, with regard to any matters before the United States Patent and Trademark Office, any foreign patent or trademark offices, and any international patent or trademark offices.



Paul D. Grossman
Assistant Secretary, Applera Corporation

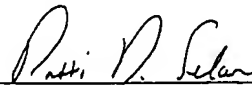
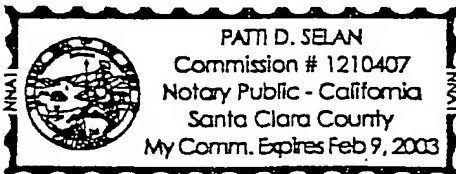
1-9-03

Date

State of California)
) ss.
County of San Mateo)

On Jan. 9, 2003 before me, Patti D. Selan, Notary Public, personally appeared Paul D. Grossman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(~~ies~~), and that by his/~~her~~/their signature on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public

ASSIGNMENT

For good and valuable consideration paid to us, receipt of which is hereby acknowledged, we each:

Mark F. Oldham, a United States of America citizen, residing at 16500 Soda Springs Road, Los Gatos, California 95033; and

Austin B. Tomaney, a United Kingdom citizen, residing at 184 States Street, San Francisco, CA 94114

do hereby sell, assign, and set over unto

Applera Corporation

a Delaware corporation having a place of business at 850 Lincoln Centre Drive, Foster City, California (hereinafter "Assignee"), its successors, legal representatives and assigns, each of our entire right, title, and interest in and to any and all of our inventions and discoveries entitled:

IMAGE ENHANCEMENT BY SUB-PIXEL IMAGING

as described and/or claimed in our United States patent application, having an oath or declaration fully executed by us and, subsequently assigned Serial 10/660,460 and filing date of September 11, 2003, by the United States Patent and Trademark Office; in and to the right to file patent applications in the name of Assignee, its designee, in all of our names, or in any other name or names, on the aforesaid inventions and discoveries in any or all countries of the world, together with all rights of priority in the aforesaid countries deriving from the above-identified United States patent application under the International Convention for the Protection of Industrial Property, under the Inter-American Convention relating to Inventions, Patents, Designs and Industrial Models, and under any other international arrangement to which the United States now is or hereafter becomes a signatory; in and to any and all applications for Letters Patent, and any and all Letters Patent that issue on any of the aforesaid applications, and in and to any and all divisions, continuations, and continuations-in-part of any and all of said applications, and any and all reissues, renewals and extensions of any of said Letters Patent, such that the same right, title and interest to be held and enjoyed by Assignee, its successors, assigns or other legal representatives, to the full ends of the terms for which all Letters Patent therefor may be granted, shall be as full and complete as that that would have been held and enjoyed by us if this assignment and sale had not been made.

We further hereby covenant and agree, for the same consideration, whenever counsel of Assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with said invention, or said application for Letters Patent, including interference proceedings, is lawful and desirable, or that any division, continuation, or continuation-in-part of any application for Letters Patent, or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable to sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said invention, without charge to said Assignee, its successors, legal representatives and assigns, but at the cost and expense of said Assignee, its successors, legal representatives and assigns.

COPY
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Name of inventor: Mark F. Oldham

Inventor's signature 

Date: 2/9/04

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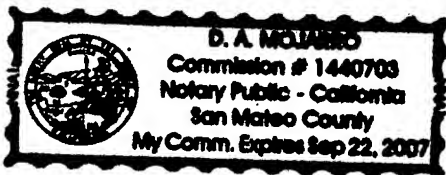
State of California)

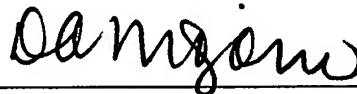
) ss.

County of San Mateo)

On February 9, 2004, 2004 before me, D.A. Mojarro, Notary Public, personally appeared Mark F. Oldham, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.





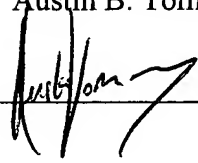
Notary Public

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Name of inventor: Austin B. Tomaney

Inventor's signature



Date:

2/9/04

State of California)

) ss.

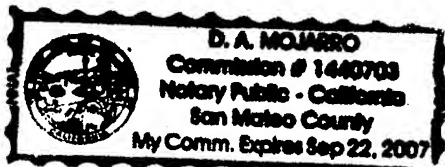
County of San Mateo)

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On February 9, 2004, 2004 before me, D.A. Mojarró, Notary Public, personally appeared Austin B. Tomaney, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public

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013004

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